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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,808	12/02/2003	Luis Elenes	200309860-1	4114

22879 7590 11/01/2006

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

KOHNER, MATTHEW J

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/726,808	ELENES, LUIS	
	Examiner	Art Unit	
	Matthew J. Kohner	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-15 and 17-25 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “a bent configuration” is unduly vague.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 21-23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,981,496 to Jensen et al. (*hereinafter* “Jensen”) in view of US Patent No. 6,779,790 to Kitahara (*hereinafter* “Kitahara”).

Jensen discloses a method of processing sheet media comprising:

- moving a sheet medium (7) upward by contact of a face of the sheet medium with a roller (1); and
- carrying a trailing edge of the sheet medium upward and then over the roller (see Fig. 4).

Jensen does not disclose carrying the trailing edge with a member that has a bent configuration. However, Kitahara does disclose carrying the trailing edge of a sheet with a member that has a bent configuration (23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Jensen, to shape his transfer element as a bent member, as taught by Kitahara, since the bent member would prevent potential slippage.

In regard to claim 2, Jensen discloses the elements 8 are soft and compressible. Therefore, examiner submits that the elements will deflect (even if only slightly) in a direction opposite to the first direction.

In regard to claims 3, 4 and 5, see Fig. 4.

In regard to claim 21, Jensen discloses an apparatus for displacing a sheet of print medium (film) from a direction of movement of the print medium produced by a roller, comprising:

- a body (rotating shaft of roller 1) configured to be connected to the roller for rotation therewith; and
- at least one resilient finger (8) connected to the body (via the roller 1) and configured to be deflected toward the body (Jensen discloses the elements 8 are compressible into recesses; see Fig.3). Therefore, Examiner submits that the elements when in contact with the paper will deflect towards the rotating shaft), and generally away from the direction of movement, by contact with a face of the print medium to permit movement of the medium along the path and also being configured to engage a trailing edge of the print medium to carry the trailing edge

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away from the path as the resilient finger rotates, wherein the at least one resilient finger includes a proximal portion that extends radially from the roller

Jensen does not disclose a distal portion of the finger that extends non-radially from the body. However, Kitahara does disclose a resilient finger includes a proximal portion that extends radially from the belt and a distal portion of the finger that extends non-radially from the body (23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Jensen, to shape his transfer element as resilient finger which includes a proximal portion that extends radially from the roller and a distal portion of the finger that extends non-radially from the body, as taught by Kitahara, since this shape would prevent potential slippage.

In regard to claim 22, see col. 2, line 17.

In regard to claim 23, see Fig. 2.

In regard to claim 25, see Fig. 3 wherein the planar distal portion of the finger contacts the face of the sheet media.

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen in view of Kitahara and further in view of US Patent No. 4,681,312 to Harvey (*hereinafter* "Harvey").

In regard to claims 6 and 7, Jensen discloses a method comprising:

- moving a sheet medium (1) along an upward path (see Fig. 1).
- carrying a trailing edge of the sheet medium along an arcuate path extending upward

with a roller having a protrusion that includes a radially extending base.

Jensen does not disclose a protrusion which includes a non-radially extending tip. However, Kitahara does disclose a protrusion which includes a non-radially extending tip (23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Jensen, to shape his transfer element with non-radially extending tip, as taught by Kitahara, since the non-radially extending tip would prevent potential slippage.

Jensen does not disclose placing a colorant on a sheet. However Harvey discloses placing colorant on a sheet (col. 1, lines 8 where Harvey discloses a printer). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Jensen's transfer element in a printer such as Harvey's since both the printer and film processor are designed to move the sheet upward and then laterally into a holder (compare Jensen Fig 4 with Harvey Fig. 1).

In regard to claims 8-10, see Jensen, Fig. 4.

Claims 13-15, 17-20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey in view of Japanese Patent No. 01261161 to Izumi (*hereinafter* "Izumi").

In regard to claims 13 and 24, Harvey discloses a media processing apparatus, comprising:

- a rotatable member (4b) wherein the rotatable member is configured to rotate in a direction.

Harvey does not disclose a resilient member having convex and concave sides connected to the rotatable member and configured to engage a trailing edge of a sheet medium and lift the trailing edge upward and over the rotatable member as the rotatable member rotates wherein the

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rotatable member is configured to rotate in a direction, and wherein the at least one resilient member is configured to bend opposite to the direction and toward the concave side upon contact with a face of the sheet medium.

However, Izumi discloses a resilient member (20) having convex and concave sides connected to a rotatable member and configured to engage a trailing edge of a sheet medium and lift the trailing edge over the rotatable member as the rotatable member rotates wherein the rotatable member is configured to rotate in a direction, and wherein the at least one resilient member is configured to bend opposite to the direction and toward the concave side upon contact with a face of the sheet medium.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Harvey to include the resilient member as taught by Izumi since Izumi's protrusion would aid in moving the sheet laterally to the stacker.

In regard to claims 14, 15, 17 and 20, see Izumi Fig. 1.

In regard to claim 18, Harvey discloses placing colorant on a sheet (col. 1, lines 8 where Harvey discloses a printer).

In regard to claim 19, see Harvey Fig. 1.

Response to Amendments

Applicant's arguments have been fully considered but are moot in view of the new rejections.

Allowable Subject Matter

The indicated allowability of claim 14 is withdrawn in view of the new rejection.

Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew J. Kohner
Examiner
Art Unit 3653

mjk



PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600